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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,691	08/31/2001	Kairi Ann Johnston	10017724-1	2138

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EXAMINER
GRANT II, JEROME

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	**Applicant(s)**
Office Action Summary		09/944,691	JOHNSTON ET AL.
		Examiner	**Art Unit**
		Jerome Grant II	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-54_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3,5,6,8-12,14-16,18,19,22,23,25-29,31-33,35,37-40, 41,43-46,48-50 and 52-54_ is/are rejected.

7) ☒ Claim(s) _4,7,13,17,20,21,24,30,34,36,42,47 and 51_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

1.

Rejection Under Sect. 101

The claimed invention, according to claims 32-43, lacks patentable utility. It describes a method but it is not clear what the method steps will function to achieve or perform.

2.   Duplicate Claims

Applicant is advised that should claim 46 be found allowable, claim 50 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 46 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 50. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.

Claims 1-3, 5,6, 8-12, 4-16, 18, 19, 22, 23, 25-29, 31-33, 35, 38-40, 43-46, 48-50

and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumpf.

Claim 1 is rejected for the reason that Kumpf teaches an imaging system (shown

by figure 1), comprising:

a component configured to generate a scanned image preview (via the preview button on the client scanner interface according to col. 7, lines 1-5). Kumpf teaches image data corresponding to an image, the scanned image preview representing the image in an electronic form (image file directory according to col. 8, lines 48-54 and 62-66; an image region section control (user interface) configured for manipulation to select an image region (col. 7, lines 15-17) of the scanned image preview (col. 7, liens 18-20) to retain; and the component further configured to emulate a final scan of the image region ot generate a final scanned image (see col. 7, lines 14-22).

With respect to claims 2 and 33, Kumpf teaches further comprising an image device configured to preview-scan (col. 7, line 25 or col. 7, line 41) the image and generate the image data.

With respect to claim 3, Kumpf teaches the component is a scanning software component according to col. 9, lines 17-26 and col. 4, line 32.

With respect to claims 5 and 25, this claim is anticipated in view of the adjustments to resolution and color depth according to col. 5, lines 49-60.

With respect to claim 6, Kumpf teaches wherein the component is further configured to interpolate the image data to improve a resolution of the image region. See col. 7, lines 32-37 to improve the resolution by capabilities of the scan resolution and making adjustments for resolution.

With respect to claims 8-10, 23, 26, 38, 39, 48 and 52 Kumpf teaches further comprising an image destination section via the user interface which is configured to manipulate the selection of the destination location (designation of peripherals) for the final scanned image. Other peripherals or destination locations include, a hard-drive or computer of client 12.

With respect to claims 11, 27 and 40, Kumpf teaches image region definition control configured for manipulation to define a classification of the image region, the parameters including paper size, image type, resolution, color or grey-scale, according to col. 5, lines 47-53.

With respect to claim 12, Kumpf teaches the image region definition control (user interface) for manipulation to define the image region as a photograph (see col. 5, lines 51) and wherein the final scanned image is bit map data (note the TIFF data at col. 5, line 53).

With respect to claims 14 and 43, Kumpf teaches image region definition control for manipulation to define the image region as a graphic (col. 5, line 51) and wherein the final scanned image is raster graphics (in that it is displayed on a monitor which displays in a raster format, see col. 7, lines 1-3, 14 and 15).

With respect to claims 15 and 28, Kumpf teaches a user interface (client interface) that includes the image region selection control (mouse or cursor control) and viewing the image on display (see col. 7, lines 1-3).

With respect to claims 16 and 29, Kumpf teaches the image destination selection control via image destination section where the user interface which is configured to manipulate the selection of the destination location (designation of peripherals) for the final scanned image. Other peripherals or destination locations include, a hard-drive or computer of client 12. Kumpf teaches user interface that performs selection of images for viewing according to col. 7, lines 1-3.

With respect to claims 18 and 31, Kumpf further teaches an image destination section via the user interface which is configured to manipulate the selection of the destination location (designation of peripherals) for the final scanned image. Other peripherals or destination locations include, a hard-drive or computer of client 12. Kumpf teaches image region definition control configured for manipulation to define a classification of the image region, the parameters including paper size, image type, resolution, color or grey-scale, according to col. 5, lines 47-53. Kumpf teaches user interface that includes the image region selection control, the image destination selection control, the image region definition control, and a viewing region to display the scanned image preview according to col. 7, lines 1-3.

With respect to claim 19, Kumpf teaches an automatic document feed scanning device (shown by figure 1), comprising: a scanning unit configured to preview-scanning an image and generate image data (see the scan program on server 10 according to col. 4, lines 30- 34). Kumpf teaches a component configured to generate a scanned image preview (via the preview button on the client scanner interface according to col. 7, lines 1-5). Kumpf teaches image data corresponding to an image, the scanned image preview representing the image in an electronic form (image file directory according to col. 8, lines 48-54 and 62-66; an image region section control (user interface) configured for manipulation to select an image region (col. 7, lines 15-17) of the scanned image preview (col. 7, lines 18-20) to retain; and the component further configured to emulate a final scan of the image region ot generate a final scanned image (see col. 7, lines 14-22).

With respect to claim 22, Kumpf teaches the final scan is reviewed on a display of the client interface which constitutes a virtual scan.

With respect to claim 32, Kumpf teaches a method, comprising: generating a scanned image preview from image data corresponding to an image (via preview button on client scanner interface, according to col. 7, lines 1-15. Kumpf teaches defining an image region of the scanned image preview to retain (see col. 7, lines 15-20).

With respect to claim 35, Kumpf teaches the claimed feature in that processes of color depth and resolution are the processes performed on the image region. See col. 5, lines 49-60.

With respect to claim 38, Kumpf teaches selecting a data storage component (according to col. 6, lines 37-41) as a destination location for the final scan.

With respect to claim 41, Kumpf teaches teaches the image region definition control (user interface) for manipulation to define the image region as a photograph (se col. 5, lines 51) and wherein the final scanned image is bit map data (note the TIFF data at the image region is defined as a photograph, and generating the final scanned image as bit map data. See col. 5, lines 47-52.

With respect to claim 44, Kumpf teaches or computer readable media (software program according to col. 4, lines 31-35 stored on the server 10)   , the scanned image preview representing the image in an electronic form (image file directory according to col. 8, lines 48-54 and 62-66; and the component further configured to emulate a final scan of the image region to generate a final scanned image (see col. 7, lines 14-22).

With respect to claim 45, Kumpf teaches Kumpf teaches or computer readable media (software program according to col. 4, lines 31-35 stored on the server 10)   , the scanned image preview representing the image in an electronic form (image file directory according to col. 8, lines 48-54 and 62-66; and the component further configured to emulate a final scan of the image region to generate a final scanned image (see col. 7, lines 14-22). Kumpf teaches emulating the final scan by processing where the processes are the   adjustments to resolution and color depth according to col. 5, lines 49-60.

With respect to claim 46 and 50,   Kumpf teaches or computer readable media (software program according to col. 4, lines 31-35 stored on the server 10) for computing where the method comprising: generating a scanned image preview from image data corresponding to an image (via preview button on client scanner interface, according to col. 7, lines 1-15. Kumpf teaches defining an image region of the scanned image preview to retain (see col. 7, lines 15-20).   Kumpf teaches and the component further configured to emulate a final scan of the image region to generate a final scanned image (see col. 7, lines 14-22).

With respect to claims 49 and 53, Kumpf teaches further communicating the final scanned image to a data storage component (col. 6, lines 37-41) and maintaining the final scanned image with the data storage component. Note that Kumpf does not state that it changes the final scan from the disk.

With respect to claim 54, Kumpf further teaches communicating the final scanned image to an image reproduction device (printer according to col. 1, lines 40-45) in the automatic document feed scanning device and reproducing the final scanned image with the image reproduction device (inherent)

5.   Claims Objected As Containing Allowable Matter

Claims 4, 7, 13, 17, 20, 21, 24, 30, 34, 36, 42, 47 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jerome Grant II whose telephone number is 571-272-

7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT II
PRIMARY EXAMINER